



Linda S. Adams  
Agency Secretary

# California Regional Water Quality Control Board

## Los Angeles Region

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### NOTICE OF HEARING

To: Interested Persons

From: Wendy Phillips, Chief  
Groundwater Permitting/Landfill Section  
California Regional Water Quality Control Board, Los Angeles Region

Date: July 31, 2009

Subject: Notice of Public Hearing for a proposed amendment to the *Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties (Basin Plan)*, to prohibit on-site wastewater disposal systems in the Civic Center area of the City of Malibu.

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will consider a proposed amendment to the *Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties (Basin Plan)*, to prohibit on-site wastewater disposal systems (OWDSs) in the Civic Center area of the City of Malibu. Additional regulations or policies, consistent with the general purpose of the proposed amendment and complementary to the proposed prohibition, may be developed at the hearing as a logical outgrowth of discussions. The Regional Board may act on the proposed amendment after hearing staff's presentation and public comments.

The public hearing is scheduled to occur during a public meeting of the Regional Board on Thursday, October 1, 2009 at 9:00 a.m. in the Board Room of the Metropolitan Water District of Southern California, 700 N. Alameda Street, Los Angeles, California. At the public hearing, the public will have opportunity to comment on the proposed prohibition. All exhibits, including charts, graphs and other testimony presented at the public hearing, must be left with the Regional Board for inclusion in the Administrative Record. Please note that the Regional Board may impose time limits on oral testimony at the public hearing.

Copies of a tentative resolution with the proposed amendment to the *Basin Plan*, a technical staff report (including five technical memoranda), and an environmental staff report (containing substitute environmental documentation, including a California Environmental Quality Act analysis) may be downloaded at

[http://www.waterboards.ca.gov/losangeles/press\\_room/announcements/Public-Hearing-Malibu/index.shtml](http://www.waterboards.ca.gov/losangeles/press_room/announcements/Public-Hearing-Malibu/index.shtml). For hard copies of these documents, you may contact Ms. Rosie Villar at (213) 576-1364 or [rvillar@waterboards.ca.gov](mailto:rvillar@waterboards.ca.gov). For updates on this proposed regulatory action, you may subscribe to a Lyris list on the Regional Board's Web site by checking "Prohibition - Malibu Civic Center Septics" at [http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg4\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg4_subscribe.shtml). For technical issues,

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you may contact Dr. Rebecca Chou at (213) 620-6156 ([rhou@waterboards.ca.gov](mailto:rhou@waterboards.ca.gov)) or Ms. Elizabeth Erickson at (213) 620-2264 ([eerickson@waterboards.ca.gov](mailto:eerickson@waterboards.ca.gov)).

Written comments and exhibits must be submitted to the Regional Board no later than **2:00 p.m. on September 8, 2009**. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence (California Code of Regulations, Title 23, Section 649.4). Comments should be submitted to the attention of Dr. Rebecca Chou, Chief of the Groundwater Permitting Unit, at the:

California Regional Water Quality Control Board, Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013

### **Purpose**

The purpose of the proposed amendment to the *Basin Plan* to prohibit OWDSs is to stop and prevent impairment of groundwater and surface waste in the Malibu Civic Center area. This proposed regulatory action would help restore beneficial uses designated for groundwater, Malibu Lagoon, and nearby beaches. The prohibition would also reduce public nuisance resulting from reliance by many commercial OWDS dischargers on tanker truck transport for a portion of the sewage generated by activities on their sites.

### **Structure of the Proposed Prohibition**

The proposed prohibition would affect existing and future OWDSs in the Malibu Civic Center area, including Malibu Valley, Winter Canyon, and the adjacent coastal strips of land and beaches. Types of subsurface disposal systems, or OWDSs, that would be prohibited range from passive systems with conventional septic tanks to active systems that more aggressively remove pollutant loads from sewage before subsurface disposal. The prohibition would apply to systems that serve individual properties (residential, commercial, industrial, and public properties) as well as groups of those properties.

The prohibition would immediately prohibit all new discharges from OWDSs and would prohibit discharges from existing systems within five years from the date of adoption by the Regional Board of this *Basin Plan* amendment. An exemption would allow for “zero-discharge” projects if a discharger can demonstrate, to the satisfaction of the Executive Officer, that reuse, evaporation, and/or transpiration will use 100% of the wastewater generated by activities on a site, will not contribute to a rise in the water table, and will contain and properly handle any brines and/or off-specification wastewaters that cannot be reused/discharged in a manner that meets water quality objectives established in the *Basin Plan*.

**Technical Evidence in Support of the Proposed Prohibition**

In a technical staff report, staff presents evidence in support of the proposed prohibition and makes the following conclusions:

- i. Dischargers subject to Orders from the Regional Board that specify waste discharge requirements (WDRs) for OWDSs have poor records of compliance. (See Technical Memoranda #1 appended to the technical staff report.)
- ii. Discharges of wastewaters released from OWDSs to groundwater contain elevated levels of pathogens and nitrogen that impair underlying groundwater as a potential source of drinking water. (See Technical Memoranda #2 appended to the technical staff report.)
- iii. Discharges of wastewaters released from OWDSs to groundwater that is in hydraulic connection with beaches along the mouths of unsewered watersheds transport pathogens that elevate risks of infectious disease for water contact recreation. (See Technical Memoranda #3 appended to the technical staff report.)
- iv. Discharges of wastewaters released from OWDSs to groundwater that is in hydraulic connection with Malibu Lagoon transport a nitrogen load significantly in excess of the wasteload allocation in the TMDL established to restore water quality to a level sufficient to protect aquatic life and prevent nuisance resulting from eutrophication. (See Technical Memoranda #4 appended to the technical staff report.)
- v. Wastewater flows in the Civic Center area have been increasing. On many sites, hydrogeologic conditions are unsuitable for high flows of wastewater, and many dischargers generate wastewater flows at rates that exceed their capacity to discharge on-site. These dischargers rely on pumping significant flows into tanker trucks that haul liquid sewage and sludge via public roadways to communities that have sewer and wastewater treatment facilities. (See Technical Memoranda #5 appended to the technical staff report.)

Based on these conclusions, the technical staff report includes staff's recommendation for a prohibition on OWDSs in the Malibu Civic Center area to protect the quality of water resources and to restore beneficial uses. See the tentative resolution for the proposed amendment to the *Basin Plan*.

**Environmental and Economic Considerations**

In an environmental staff report, staff has presented supplemental environmental documentation on the proposed prohibition, program alternatives, and impacts that may occur from reasonably foreseeable means of complying with the prohibition, in accordance with the California



Environmental Quality Act (CEQA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne). The report is organized to provide the public with the following information:

- A description of the proposed action (i.e. the prohibition).
- Summaries of ‘program’ alternatives, including:
  - a local government initiative to voluntarily select and implement remedies to address water quality pollution and restore beneficial uses,
  - a “no action” alternative by the Regional Board or other authority, and
  - the recommended program alternative.
- Conceptual descriptions of options for projects that could achieve compliance with the prohibition, and estimated costs for construction and operation of these projects, including:
  - integrated water resources management facilities,
  - a community sewer collection system and interceptor sewer line to export sewage to treatment works in another community, and
  - decentralized wastewater management facilities.
- An analysis of impacts to the environmental from the conceptual projects that could be implemented to comply with the prohibition, including:
  - an environmental checklist and discussion of impacts,
  - other environmental considerations, and
  - a statement of overriding considerations and determinations.

### **Documentation Associated with the Proposed Prohibition**

The documents in support of the Regional Board’s proposed regulatory action to prohibit OWDSs in the Malibu Civic Center area include:

**Tentative Resolution** (draft dated July 31, 2009) to prohibit OWDSs and to certify the environmental staff report determining that the prohibition may have a significant or potentially significant effect on the environment, and therefore alternatives, methods of compliance, and mitigation measures have been evaluated.

**Technical Staff Report** (draft dated July 31, 2009), presenting evidence in support of an Amendment to the *Water Quality Control Plan for the Coastal Watersheds of Ventura*



*and Los Angeles Counties* to prohibit OWDSs in the Malibu Civic Center area (overview), including the following technical memoranda:

- Technical Memorandum #1: Permitted Dischargers Have Poor Records of Compliance with Regional Board Orders.
- Technical Memorandum #2: Pathogens and Nitrogen in Wastewaters Impair Underlying Groundwater as a Potential Source of Drinking Water.
- Technical Memorandum #3: Pathogens in Wastewaters that are in Hydraulic Connection with Beaches are a Significant Source of Impairment to Water Contact Recreation.
- Technical Memorandum #4: Nitrogen Loads in Wastewaters flowing to Malibu Lagoon Are a Significant Source of Impairment to Aquatic Life.
- Technical Memorandum No. #5: Dischargers with Unsuitable Hydrogeologic Conditions for High Flows of Wastewaters Resort to Hauling Liquid Sewage and Sludge to Communities that have Sewer and Wastewater Treatment Facilities.

**Environmental Staff Report** (draft dated July 31, 2009) in support of an Amendment to the *Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties*, including substitute environmental documentation pursuant to CEQA and Porter-Cologne.

These documents may be downloaded at [http://www.waterboards.ca.gov/losangeles/press\\_room/announcements/PublicHearing-Malibu/index.shtml](http://www.waterboards.ca.gov/losangeles/press_room/announcements/PublicHearing-Malibu/index.shtml). Or you may contact Ms. Rosie Villar at (213) 576-1364 or [rvillar@waterboards.ca.gov](mailto:rvillar@waterboards.ca.gov) for a hard copy of any or all of these documents.